MONTANA LEGISLATIVE HISTORY

Chapter 153 19 25

Bill H 508 S _____ Original bill & history ____C

H. Committee on Highways & Transportation		S. Committee on Highways & Transportation	
Hearing Date(s) Feb 8	✓ C	Hearing Date(s) Mar 11	✓ C
_____	____C	_____	____C
_____	____C	_____	____C
_____	____C	_____	____C
Date Out Feb 8	✓ C	Mar 11	✓ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 508

INTRODUCED BY Kendall by request of Department of Highways

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 32-2102, 32-2128, 32-2175 AND 32-21-132, R.C.M. 1947, REDEFINING AND BROADENING THE DEFINITION OF EMERGENCY VEHICLES, GOVERNING THE OPERATION OF POLICE AND AUTHORIZED EMERGENCY VEHICLES, GOVERNING THE OPERATION OF VEHICLES ON APPROACH OF POLICE VEHICLES OR AUTHORIZED EMERGENCY VEHICLES AND PROVIDING FURTHER ADDITIONAL LIGHTING EQUIPMENT AND RESTRICTIONS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 32-2102, R.C.M. 1947, is amended to read as follows:

"32-2102. Definitions -- vehicle -- motor vehicle -- motorcycle -- motor-driven cycle -- police vehicle -- authorized emergency vehicle -- emergency service vehicle -- school bus -- bicycle -- special mobile equipment. (a) Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

(d) Motor-Driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower, and every bicycle with motor attached.

~~(e) Authorized Emergency Vehicle. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations or of persons as are designated or authorized by the board.~~

(e) Police Vehicle. Any vehicle used in the service of any law enforcement agency.

(f) Authorized Emergency Vehicles. Vehicles of the fire department, fire patrol and such ambulances and emergency vehicles as are designated or authorized by the board.

(g) Emergency Service Vehicles. Emergency service vehicles of state, county, or municipal departments or public service vehicles, which, by the nature of their operation, cause a vehicular traffic hazard; or authorized

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tow cars.

~~(f)~~ (h) School Bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

~~(g)~~ (i) Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

~~(h)~~ (j) Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section."

Section 2. Section 32-2128, R.C.M. 1947, is amended to read as follows:

"32-2128. ~~Authorized~~ Police vehicles and authorized emergency vehicles. (a) The driver of ~~an~~ a police vehicle or authorized emergency vehicle, ~~when~~ responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not

upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of ~~an~~ a police vehicle or authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to ~~an~~ a police vehicle or authorized emergency vehicle shall apply only when such ~~vehicle~~ vehicles ~~is~~ are making use of audible and visual signals meeting the requirements of section 32-21-132, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of ~~an~~ a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the

driver from the consequences of his reckless disregard for the safety of others."

Section 3. Section 32-2175, R.C.M. 1947, is amended to read as follows:

"32-2175. Operation of vehicles on approach of police vehicles or authorized emergency vehicles. (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section 32-21-132, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.

(b) This section shall not operate to relieve the driver of ~~an~~ a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway."

Section 4. Section 32-21-132, R.C.M. 1947, is amended to read as follows:

"32-21-132. Audible and visual signals on vehicles.

(a) A police vehicle shall be equipped with a siren

capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicle, the obligation to yield right of way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

~~(a)~~(b) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with a siren, ~~exhaust whistle--or-bell-capable-of-giving-an-audible-signal,~~ and an alternately flashing or rotating red light as specified herein.

~~(b)~~(c) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

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~~(c)~~(d) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two (2) red and two (2) amber alternating flashing lights and to the rear two (2) red and two (2) amber alternating flashing lights. These lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight. The warning lights shall be of a type, and located on each bus, as prescribed by the state board of education and approved by the supervisor of the highway patrol.

~~(d) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in sections 32-2175 and 32-2197.~~

(e) Police vehicles and authorized emergency vehicles may, and emergency service vehicles shall, in addition to any other equipment and distinctive markings required by this act be equipped with alternately flashing or rotating amber lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles, the obligation to yield right of way and/or

to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

(f) Blue, red and amber lights required in subsections (a), (b) and (c) of this act shall be mounted as high as as widely spaced laterally as practicable and capable of displaying to the front two (2) alternately flashing lights of the specified color located at the same level and to the rear two (2) alternately flashing lights of the specified color located at the same level or as an alternative, one (1) rotating light of the specified color, mounted as high as is practicable which shall be both visible front and rear. These lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight. The use of blue lights as required in subsection (a) of this act shall be restricted to police vehicles as defined in section 32-2102, R.C.M. 1947."

-End-

SATURDAY
February 8, 1975
Proceedings of the
HIGHWAYS AND TRANSPORTATION COMMITTEE

The meeting was called to order by Chairman Baeth at 8 a.m. The secretary called the roll. All members were present with the exception of Representative Fleming, excused.

Bills scheduled for hearing were House Bills #464, 465, 466 and 508.

HOUSE BILL #464 Representative James Sloan spoke as chief sponsor. He mentioned this bill was the result of the state of Montana requesting an exemption for persons contracting with the state, such as garbage runs to campgrounds, etc., needing the Class C motor carrier certificate, thus the approval of the Public Service Commission.

No other proponents, no opponents, hearing closed.

HOUSE BILL #465 Representative Hager spoke as chief sponsor. He requested the amount of $2.00 be raised to $3.00 when transferring ownership or registering a car, thus the amount to be remitted to the registrar of motor vehicles would be two dollars and one dollar would be retained by the county.

Proponent John Mathews, representating the Registrar of Motor Vehicles of the Department of Justice, explained why there was a necessity to increase the amount. Part of the need is the increasing cost of aluminum used for the plates. He said the cost for 1975 plates would be $585,000 and in five years would be $800,000. He said they use the actual 1974 figures and increase it by 1%, per year to estimate the increase in population, etc.. The need for automation in the registrar bureau is also necessary to keep current and due to the workload. The extra dollar could produce for fiscal year 1976, $274,000 and fiscal year 1977, $277,000 more funds.

No other proponents, no opponents, hearing closed.

HOUSE BILL #466 Representative W. Baeth introduced proponent Captain Duane Tooley, of the Montana Highway Patrol who spoke in behalf of this bill. He stated that he was appearing as a result of recommendation of the Highway Trust Fund. He also stated he was not totally in favor of the bill, although he felt in some cases, such as the very elderly, it might be a good thing. They perhaps might keep driving past the time they were completely capable of doing so, and suggested that an age limit on testing might be satisfactory.

No other proponents, no opponents, hearing closed.

HOUSE BILL #508 Representative Kendall sponsored this bill as a direct request of the Montana Highway Patrol. He introduced Colonel Joe Sohl of the Patrol. Colonel Sohl asked that the definition of emergency vehicles be redefined and broadened. He explained how the amber, red and blue lights would be used and also defined the areas in which each would be used. He felt the blue

light would be very beneficial in high traffic areas, although it does not have the intensity of the red in open highway. He also asked that it be made more definite the procedure the public must follow regarding these lights. He explained that the blue light would be used only by police vehicles with power of arrest.

No other proponents, no opponents, hearing closed.

EXECUTIVE SESSION:

HOUSE BILL #464 Representative Mular moved and it was seconded to hold this bill for more information. Representative Sloan has asked that Ted Doaning be present to explain more fully. He was unable to be present to this hearing.

HOUSE BILL #465 Representative Kendall moved DO PASS. The motion was seconded by Representative Schye. The motion carried with two members opposed, voting "no", Representatives Smith and Gould.

HOUSE BILL #466 Representative William Baeth moved DO NOT PASS. The motion was seconded by Representative Kropp. Representative Mular offered a substitute motion DO PASS. There was no second, the motion died. Representative Kendall moved a substitute motion to table. The motion was seconded by Representative Kropp. The motion carried unanimously.

HOUSE BILL #508 Representative Kendall moved DO PASS, seconded by Representative Mular. The motion carried unanimously.

The meeting adjourned at 8:45 a.m.

William R. Baeth
WILLIAM R. BAETH, CHAIRMAN

WRB:mec

CONSIDERATION OF HB 508: Redefining emergency vehicles.

Capt. Tooley, Montana Highway Patrol, advised the Committee that Representative Kendall, author of the bill, had asked him to explain HB 508 as he is unable to attend the meeting.

Capt. Tooley said this bill establishes some rules and regulations and allows the use of a blue light for police vehicles only. He said the blue light is easier to see, and is distinguishable from the neon signs. In addition, the bill does redefine emergency vehicles, and puts them in the following classes: (1) Police Vehicles, (2) All other emergency vehicles, ie: ambulances, fire trucks, (3) Wreckers and Tow Trucks. The bill further defines what is expected of the driver when an emergency vehicle approaches.

Senator Graham asked when the Patrol expects to make the change to blue lights. He pointed out that having half red and half blue would be confusing to the public.

Captain Tooley said they don't plan to make this change right away, and when they do it would be uniform.

Senator Graham moved HB 508 BE CONCURRED IN. Senator Aber seconded the motion. Motion carried unanimously.

CONSIDERATION OF HB 160: Creating a Montana Bike Paths Commission.

Representative Kimble, author, said this bill provides for the creating of this Commission and the expenses incurred by them.

He explained the sections of the bill as follows:

Section 1: (1) Creates the Commission, (2) Describes the first meeting the Commission will have, (3) Purposes of the Commission, (4) Reimbursement of the Commission (5) Commission is allocated to the Department of Highways for Administrative Purposes, (6) Dissolving of the Commission (1st Monday of January, 1977). Section 2: Provides for the funding of the Commission.

Rep. Kimble said the Department of Highways is now building bike ways, and there are problems with designs and plans. This Commission will assist them.

CONSIDERATION OF HB 161: Providing for footpaths and bicycle trails on highways.

Representative Kimble, author, said the funding for this purpose will be obtained from the highway earmarked revenue fund. He said the reason for this bill is to promote safety. He said there are approximately 100 million bikes in the U.S., with one in three persons owning one. He said the Federal Government has provided 2 million dollars per state for funding this project, on a 30/70 matching basis.

ROLL CALL

HIGHWAYS AND TRANSPORTATION COMMITTEE

44TH LEGISLATIVE SESSION - 1975

Date 3/14/75

ME	PRESENT	ABSENT	EXCUSED
AVE MANNING, CHAIRMAN	X		
CARROLL GRAHAM, V-CHAIR	X		
MAX CONOVER	X		
JOHN E. HEALY	X		
RICHARD G. SMITH	X		
L. M. ABER	X		
FRANK DUNKLE	X		
PAT M. GOODOVER	X		

HOUSE BILL NO. 508

INTRODUCED BY KENDALL

(BY REQUEST OF DEPARTMENT OF HIGHWAYS)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 32-2102, 32-2128, 32-2175 AND 32-21-132, R.C.M. 1947, REDEFINING AND BROADENING THE DEFINITION OF EMERGENCY VEHICLES, GOVERNING THE OPERATION OF POLICE AND AUTHORIZED EMERGENCY VEHICLES, GOVERNING THE OPERATION OF VEHICLES ON APPROACH OF POLICE VEHICLES OR AUTHORIZED EMERGENCY VEHICLES AND PROVIDING FURTHER ADDITIONAL LIGHTING EQUIPMENT AND RESTRICTIONS."

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(b) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) Motorcycle. Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

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~~(e) Authorized Emergency Vehicle. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal departments or public service corporations or of persons as are designated or authorized by the board.~~

(e) Police Vehicle. Any vehicle used in the service of any law enforcement agency.

(f) Authorized Emergency Vehicles. Vehicles of the fire department, fire patrol and such ambulances and emergency vehicles as are designated or authorized by the board.

(g) Emergency Service Vehicles. Emergency service vehicles of state, county, or municipal departments or public service vehicles, which, by the nature of their

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operation, cause a vehicular traffic hazard; or authorized tow cars.

~~(f)~~ (h) School Bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

~~(g)~~ (i) Bicycle. Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

~~(h)~~ (j) Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section."

Section 2. Section 32-2128, R.C.M. 1947, is amended to read as follows:

"32-2128. ~~Authorized~~ Police vehicles and authorized emergency vehicles. (a) The driver of ~~an~~ a police vehicle or authorized emergency vehicle, when ~~responding~~ to ~~an~~ emergency call or when in the pursuit of an actual or

suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of ~~an~~ a police vehicle or authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this act;

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

3. Exceed the speed limits so long as he does not endanger life or property;

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to ~~an~~ a police vehicle or authorized emergency vehicle shall apply only when such ~~vehicle~~ vehicles ~~is~~ are making use of audible and visual signals meeting the requirements of section 32-21-132, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of ~~an~~ a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the

safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

Section 3. Section 32-2175, R.C.M. 1947, is amended to read as follows:

"32-2175. Operation of vehicles on approach of police vehicles or authorized emergency vehicles. (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section 32-21-132, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the police vehicle or authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.

(b) This section shall not operate to relieve the driver of an a police vehicle or authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway."

Section 4. Section 32-21-132, R.C.M. 1947, is amended to read as follows:

"32-21-132. Audible and visual signals on vehicles.

(a) A police vehicle shall be equipped with a siren capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles, the obligation to yield right of way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

~~(a)~~(b) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with a siren, ~~exhaust whistle or bell capable of giving an audible signal.~~ and an alternately flashing or rotating red light as specified herein.

~~(b)~~(c) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500)

feet in normal sunlight.

~~(c)~~(d) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two (2) red and two (2) amber alternating flashing lights and to the rear two (2) red and two (2) amber alternating flashing lights. These lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight. The warning lights shall be of a type, and located on each bus, as prescribed by the state board of education and approved by the supervisor of the highway patrol.

~~(d) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein. The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in sections 32-2175 and 32-2197.~~

(e) Police vehicles and authorized emergency vehicles may, and emergency service vehicles shall, in addition to any other equipment and distinctive markings required by this act be equipped with alternately flashing or rotating amber lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of

other vehicles, the obligation to yield right of way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

(f) Blue, red and amber lights required in subsections (a), (b) and (c) of this act shall be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two (2) alternately flashing lights of the specified color located at the same level and to the rear two (2) alternately flashing lights of the specified color located at the same level or as an alternative, one (1) rotating light of the specified color, mounted as high as is practicable which shall be both visible front and rear. These lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight. The use of blue lights as required in subsection (a) of this act shall be restricted to police vehicles as defined in section 32-2102, R.C.M. 1947."

-End-